

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: C.R. BARD, INC.  
PELVIC REPAIR SYSTEM  
PRODUCTS LIABILITY LITIGATION

MDL No. 2187

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*Sallie Booth v. Boston Scientific Corp.*

*2:15-cv-015242*

MEMORANDUM OPINION AND ORDER

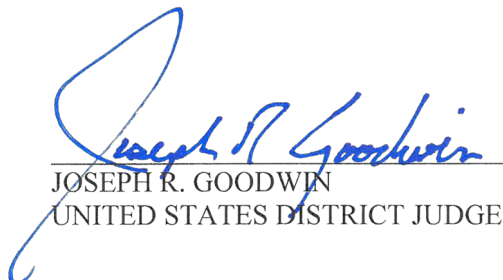
Pending is Defendants Boston Scientific Corporation's ("BSC") Motion to Dismiss with Prejudice, filed on May 20, 2019. [ECF No. 20]. BSC cite to plaintiff's failure to timely serve a Plaintiff Fact Sheet ("PFS") in violation of the court's Pretrial Orders. Plaintiff has not responded to the motion.

The court finds, pursuant to Rules 16 and 37 of the Federal Rules of Civil Procedure and after weighing the factors identified in *Wilson v. Volkswagen of Am., Inc.*, 561 F.2d 494, 503-06 (4th Cir. 1977), that this case should be dismissed without prejudice for failure to provide a PFS in compliance with the court's previous orders.

Therefore, the court **ORDERS** that the BSC's motion to dismiss, [ECF No. 20] is **GRANTED in part** to the extent the BSC seeks dismissal and **DENIED insofar as BSC seeks dismissal with prejudice**. The court **ORDERS** that the case is dismissed without prejudice and stricken from the court's docket.

The court **DIRECTS** the Clerk to send a copy of this order to counsel of record.

ENTER: August 9, 2019

  
JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE